

COPY

IN THE CIRCUIT COURT OF MCMINN COUNTY, TENNESSEE

ROGER JAMES MOORE,

Plaintiff,

Vs.

RANJIT SINGH MANN; and
2083684 ONTARIO, INC., d/b/a
NATIONWIDE LOGISTICS

Defendants.

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Docket No.: 19-cv-91

JURY DEMANDED

FILED

MAR 26 2019
RHONDA J. COOLEY
CIRCUIT COURT CLERK
BY [Signature] D.C.

COMPLAINT

NOW COMES the plaintiff, Roger James Moore, by and through his undersigned counsel, and for his causes of action against the defendants, Ranjit Singh Mann and Nationwide Logistics, states as follows:

PARTIES

1. Plaintiff is a resident of Bradley County, Tennessee.
2. Defendant, Ranjit Singh Mann, (hereinafter "Mann"), is a resident of Canada. Defendant Mann can be served at 38 Kootenay Pl., Brampton, Ontario, Canada L6R2X4.
3. Defendant 2083684 Ontario, Inc. d/b/a Nationwide Logistics is an out of State Corporation, organized and authorized under the laws of Ontario, Canada. Nationwide Logistics has named Robert M. Asbury as its registered agent for service of process located at 5731 Lyons View Pyke, Suite 206, Knoxville, Tennessee 37919. Nationwide Logistics ("Nationwide") is engaged in interstate commerce in various locations including McMinn County, Tennessee.
4. Defendant Nationwide Logistics has a U.S. DOT number of 1858605.



JURISDICTION AND VENUE

5. Jurisdiction and venue are proper within this court as all events and acts of negligence took place within McMinn County, Tennessee.
6. This Court has subject matter jurisdiction and personal jurisdiction over the parties.

FACTS

7. On April 5, 2018, Defendant Mann was driving a 2015 Freightliner tractor-trailer vehicle, license plate 9743PW, owned by Nationwide Logistics.
8. On April 5, 2018, Defendant Mann was operating the 2015 Freightliner tractor-trailer with a gross weight in excess of 26,000 pounds.
9. On April 5, 2018, Defendant Mann was employed by Nationwide.
10. On April 5, 2018, Defendant Mann was acting within the course and scope of his employment with Nationwide.
11. On April 5, 2018, Defendant Mann had Nationwide's permission to operate the 2015 Freightliner tractor-trailer, license plate 9743PW, owned by Nationwide.
12. On April 5, 2018, Defendant Mann was trying to park into a parking stall at the Pilot Truck Parking off of I-75, Exit 56 in Niota, TN.
13. Defendant Mann negligently backed his Freightliner tractor-trailer into the Ponderosa 007 Radio Shop building.
14. Plaintiff, Roger Moore, owned the Ponderosa 007 Radio Shop.
15. Mr. Moore was inside the Ponderosa 007 Radio Shop building at the time of the collision.

DUTIES OF THE COMPANY

16. A Company must properly inspect its vehicles to protect public safety.
17. A Company must screen potential drivers to hire qualified drivers to protect public safety.
18. A Company must hire qualified drivers to protect public safety.
19. A Company must properly train its drivers to protect public safety.
20. A Company must properly supervise its drivers to protect public safety.
21. A Company must systematically inspect, repair and maintain its vehicles to protect public safety.

DUTIES OF DRIVERS

22. Traffic laws have been established by the State of Tennessee to protect people on the road. Every driver who drives on the roads in Tennessee must follow these traffic laws.
23. A driver must not needlessly endanger others on the roads to protect public safety.
24. A driver must keep his vehicle under control to protect public safety.
25. A driver must driver must operate his vehicle as an ordinary and prudent person would have under existing traffic conditions to protect public safety.
26. A driver must drive with reasonable care, considering the hazards of weather, road, traffic, and other conditions to protect public safety.
27. A driver must drive at a safe rate of speed to protect public safety
28. A driver must keep a proper lookout to protect public safety.
29. A driver must see and be aware of what should be in the driver's view to protect public safety.
30. A driver must use reasonable care to avoid crashes to protect public safety.

CAUSE OF ACTION I: COMMON LAW NEGLIGENCE OF DEFENDANT MANN

31. Paragraphs 24-30 are how a reasonably prudent driver operates his motor vehicle.
32. Defendant Mann failed to operate his vehicle as a reasonably prudent driver.
33. Defendant Mann was negligent in the operation of his tractor-trailer.
34. Defendant, Mann, is guilty of the following acts of common law negligence, which were the proximate cause of the collision and Mr. Moore's harms and losses:
 - a. Failure to operate his vehicle as ordinary and prudent people would have done under existing traffic conditions, endangering the public.
 - b. Failure to keep a proper lookout, endangering the public.
 - c. Failure to bring vehicle under control and stop the same when there was sufficient time and distance to do so.
 - d. Failure to prevent his vehicle from crashing into a building, endangering the public.
 - e. Defendant Mann's negligence was 100% the cause of this crash.
 - f. Defendant Mann's negligence is 100% the cause of Mr. Moore's injuries.

CAUSE OF ACTION II: NEGLIGENCE PER SE OF DEFENDANT MANN

35. Mr. Mann is guilty of negligence per se. Mr. Mann was required to follow the following Tennessee traffic laws, and he failed to do so:
 - a. T.C.A. § 55-8-136: A driver must use due care to avoid colliding with other drivers on the roadways.
 - b. T.C.A. § 55-8-136: A driver must maintain a proper lookout.
 - c. T.C.A. § 55-8-136: A driver must keep his vehicle under control.
 - d. T.C.A. § 55-8-136: A driver must devote his full time and attention to driving his vehicle.

36. Defendant Mann's negligence caused this crash.

37. Defendant Mann's negligence caused the Mr. Moore's injuries.

CAUSE OF ACTION: NEGLIGENCE OF NATIONWIDE LOGISTICS

38. Nationwide is negligent under the doctrine of *Respondeat Superior* as Defendant Mann was operating within the course and scope of his employment with Nationwide and Defendant Mann was acting under the direction and control of Nationwide at the time of the crash.

39. Nationwide is responsible for the negligence of Defendant Mann.

40. Nationwide is negligent for violating the following federal regulations:

- a. 49 CFR 390.11: Failure of motor carrier to require drivers to observe federal regulations.

DAMAGES

41. As a direct and proximate result of the negligence of Defendants, Mr. Moore has suffered injuries.

42. Mr. Moore suffered the following harms and losses:

- a. Pain, mental anguish and suffering, past and future;
- b. Medical and hospital expenses, past and future;
- c. Loss of enjoyment of life, past and future;
- d. Lost wages and loss of earning capacity; and
- e. Damages or loss of personal and business property.

43. The Defendants' negligence caused 100% of Mr. Moore's harm, losses, injuries, and damages.

44. The types of harms and losses sustained by Mr. Moore were the foreseeable and natural result of Defendants' negligence.

45. Based on these circumstances, Mr. Moore seeks fair, just and reasonable compensation from Defendants.

WHEREFORE, Mr. Moore demands a judgment against defendants for his pain, suffering and damages in the amount of \$250,000.00 and DEMANDS A JURY to try the issues when joined.

MASSEY & ASSOCIATES, PC

By: 

Joshua R. Ward, BPR # 031329

Ryan B. Evans, BPR # 035857

6400 Lee Hwy, Ste 101

Chattanooga, TN 37421

423.697.4529 – Phone

423.634.8886 – Fax

Attorneys for Plaintiff

IN THE CIRCUIT COURT OF MC MINN COUNTY AT ATHENS, TENNESSEE

ROGER JAMES MOORE,

Plaintiff,

v.

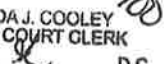
RANJIT SINGH MANN, and
2083684 ONTARIO, INC., d/b/a
NATIONWIDE LOGISTICS,

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No. 19-CV-91

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APR 23 2019
RHONDA J. COOLEY
CIRCUIT COURT CLERK
BY  D.C.

NOTICE OF APPEARANCE

TO ALL PARTIES OF RECORD THIS ACTION, PLEASE TAKE NOTICE THAT:

Pursuant to L.R. § 2.05, the undersigned is a member in good standing of the Bar of the State of Tennessee authorized to practice before this court. Appearance is hereby entered by the undersigned on behalf of the defendant sued as:

2083684 Ontario, Inc. d/b/a Nationwide Logistics.

2083684 Ontario, Inc. d/b/a Nationwide Logistics reserve its right to raise any and all defenses which it may raise in a responsive pleading. Pursuant to T.R.C.P. § 5.01, all papers hereinafter filed or lodged with the Circuit Clerk should include the undersigned in the CERTIFICATE OF SERVICE.

LEITNER, WILLIAMS, DOOLEY & NAPOLITAN

By: 

WILLIAM E. GODBOLD, III - TN BPR#: 4565

ANDREW J. GODBOLD - TN BPR#: 31134

Attorneys for Defendants

200 West M.L. King Boulevard, Suite 500

Chattanooga, TN 37402

(423) 424-3907 Direct

(423) 265-0214 Firm


(423) 308-0907 Fax

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that the foregoing document has been delivered to all counsel for parties at interest in this cause by placing a true and correct copy of same in the United States mail, postage prepaid, in a properly addressed envelope; or by hand delivering same, as follows:

Joshua R. Ward
Ryan B. Evans
Massy & Associates, PC
6400 Lee Highway, Suite 101
Chattanooga, TN 37421

This the 18th day of April, 2019.

By: 
WILLIAM E. GODBOLD, III - TN BPR#: 4565



U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Licensing and Insurance Public



Motor Carrier Details

US DOT:	1858605	Docket Number:	MC00672541	
Legal Name:	2083684 ONTARIO INC			
Doing-Business-As Name:	NATIONWIDE LOGISTICS			
Business Address	Business Telephone and Fax	Mail Address	Mail Telephone and Fax	Undeliverable Mail
6885 DAVAND DRIVE UNIT 2 MISSISSAUGA ON L5T 1L5 CA	(905) 670-6433 Fax: (905) 670-4948			NO
Authority Type	Authority Status	Application Pending		
Common	ACTIVE	NO		
Contract	NONE	NO		
Broker	NONE	NO		
Property	Passenger	Household Goods	Private	Enterprise
YES	NO	NO	NO	NO
Insurance Type	Insurance Required	Insurance on File		
BIPD	\$750,000	\$1,000,000		
Cargo	NO	NO		
Bond	NO	NO		

BOC-3: YES

Blanket Company: PROCESS AGENT SERVICE COMPANY, INC.

Web Site Content and BOC-3 Information Clarification

[Active/Pending Insurance](#) | [Rejected Insurance](#) | [Insurance History](#) | [Authority History](#) | [Pending Application](#) | [Revocation](#)

April 3, 2019



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Federal Motor Carrier Safety Administration
 1200 New Jersey Avenue SE, Washington, DC 20590 - 1-800-832-5660 - TTY: 1-800-877-8339 - Field Office Contacts

No. 19-CV-91

State of Tennessee,
County of _____

I, _____, Clerk of the Circuit Court, in and for the State and County aforesaid, hereby certify that the within and foregoing is a true and correct copy of the original writ of summons issues in this case.

Melissa Keith, Circuit Court Clerk

By: _____ D.C.

OFFICERS RETURN

I certify that I served this summons together with the complaint as follows:

☒ On, April 02, 20 19, I delivered a copy of the summons and complaint to the defendant,
in person

☐ Failed to serve this summons within 90 days after issuance because:

Sherriff

H. J. C. B1030 Pless
Deputy Sheriff

CLERK'S RETURN

I hereby acknowledge and accept service of the within summons and receive copy of same, this _____

day of _____, 20 _____.

Defendant

Rhonda Cooley, Circuit Court Clerk

By: _____ D.C.

Notice to Defendant(s)

Tennessee law provides a ten thousand (\$10,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgement should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel; family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.